

Interview Summary

Application No.

09/214,723

Applicant(s)

Oka

Examiner

Stephanie Zitomer

Group Art Unit

1655



All participants (applicant, applicant's representative, PTO personnel):

(1) Stephanie Zitomer

(3) _____

(2) Gerald Murphy For Applicant

(4) _____

Date of Interview Jun 25, 2001Type: a) ☒ Telephonic b) ☐ Video Conferencec) ☐ Personal [copy is given to 1) ☐ applicant 2) ☐ applicant's representative]Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No. If yes, brief description:Claim(s) discussed: None

Identification of prior art discussed:

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments:

Receipt of the after final amendment filed June 20, 2001 was acknowledged with indication that examiner would contact Mr. Murphy shortly.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

i) ☐ It is not necessary for applicant to provide a separate record of the substance of the interview (if box is checked).

Unless the paragraph above has been checked, THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Continuation of 2. NOTE:

The method of claim 13 is to result in the identification and/or quantification of a mutation or polymorphism in a "sample DNA." The aspect of a "sample DNA" appears to exist in two embodiments. As it appears in the preamble to the claim, the first occurrence of the "sample" is one of a crude or unprocessed sample that is to be analyzed and the other, with the second occurrence being that found at lines 11-12, where the "specimen" has undergone amplification and is subjected to competitive hybridization with a "standard DNA having a nucleotide sequence [that is] the same as a mutated or polymorphic target DNA of interest."

The method calls for the establishment of a detection limit which is in part dependent upon having prior knowledge of the amounts of amplified DNA and of "standard DNA" prior to the taking of any reading. It is less than clear how these values are to be obtained without the practice of some, unspecified, active method steps.

Claim 13, line 24, calls for "rehybridization" to take place between the "standard DNA" (labeled probe) and that of the "target DNA" as found in the "sample." It is unclear how we have "rehybridization" taking place when the method does not positively recite a first hybridization occurring.

For the above reasons, and in the absence of convincing evidence to the contrary, the amendment filed under Rule 1.116 has not been entered and the rejections set forth in the Office action of 20 March 2001 have been maintained.